

SECOND REGULAR SESSION

SENATE BILL NO. 1116

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

5241S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 640, RSMo, by adding thereto three new sections relating to nuclear energy projects.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 640, RSMo, is amended by adding thereto
2 three new sections, to be known as sections 640.800, 640.801,
3 and 640.802, to read as follows:

4 **640.800. 1. Sections 640.800 to 640.802 shall be**
2 **known and may be cited as the "Missouri Nuclear Energy**
3 **Advancement Act."**

4 **2. As used in sections 640.801 and 640.802, the**
5 **following terms shall mean:**

6 **(1) "Advanced nuclear reactor", a range of nuclear**
7 **reactor technologies determined by the United States Nuclear**
8 **Regulatory Commission to be either of generation III+ or**
9 **generation IV nuclear reactors, including large light water**
10 **reactors, small modular reactors, microreactors, and nuclear**
11 **cogeneration;**

12 **(2) "Director", the director of the Missouri advanced**
13 **nuclear energy office;**

14 **(3) "Eligible nuclear project", a new electric**
15 **generation project located in the state involving the**
16 **development of a natural gas electric generation facility**
17 **with an advanced nuclear reactor;**

18 (4) "Fund", the Missouri advanced nuclear development
19 fund, established under section 640.802;

20 (5) "Office", the Missouri advanced nuclear energy
21 office, established under section 640.801;

22 (6) "Rate-based recovery", the recovery by a public
23 utility, as defined in section 386.020, of the utility's
24 capital and operating costs for a project through inclusion
25 of such costs in the utility's rate base.

26 3. There shall be no prohibition on the construction
27 or operation of nuclear electric generation facilities in
28 the state, provided that all licensing requirements of the
29 facilities have been satisfied and the state's emergency
30 preparedness for nuclear electric generation is considered
31 to be in good standing by the Missouri state emergency
32 management agency.

640.801. 1. The governor shall establish the Missouri
2 advanced nuclear energy office within the department of
3 natural resources to be headed by a director appointed by
4 the governor. The director shall not have any direct or
5 indirect interests that substantially conflict with the
6 director's duties as the head of the office. The director
7 may hire additional staff as necessary to implement the
8 duties of the office under this section, subject to the
9 availability of funds under this section.

10 2. The annual budget of the office shall not exceed
11 seven hundred and fifty thousand dollars.

12 3. The office shall administer the Missouri advanced
13 nuclear development fund established under section 640.802.

14 4. The duties of the office include:

15 (1) Solicitation of gifts, grants, tax credits, or
16 donations to the fund for the purpose of providing grants to
17 eligible nuclear projects in the state;

18 (2) Establishing procedures and guidelines for the
19 application, review, approval, and monitoring of grants;

20 (3) Ensuring all grants are awarded in a fair,
21 equitable, and transparent manner;

22 (4) Requiring appropriate reporting and accountability
23 from all recipients of grants for failure to meet
24 established goals;

25 (5) Entering into written agreements with recipients
26 of grants under this section before awarding such grants;

27 (6) Creating specific goals for the completion of
28 projects for which grants are awarded;

29 (7) Providing recipients terms of repayment of grants
30 for failure to reach specific goals for each project for
31 which a grant is awarded;

32 (8) Evaluate each grant application based on the
33 applicant's:

34 (a) Efficiency of operations to complete a project for
35 which a grant is to be awarded;

36 (b) Availability of resources essential for completing
37 a project for which a grant is requested;

38 (c) Ability to repay a grant if project goals are not
39 met; and

40 (d) The project's potential benefit to the state.

41 5. The office may provide a reimbursement grant from
42 the fund for expenses associated with the construction of an
43 eligible nuclear project in the state if such expenses are
44 limited to:

45 (1) Site planning, including conceptual site-specific
46 engineering studies;

47 (2) Front-end engineering design;

48 (3) Identifying potential environmental hazards from a
49 project for which a grant is awarded;

50 (4) Any work done in preparation of the construction
51 permit or license application to state, local, or federal
52 agencies;

53 (5) Nuclear Regulatory Commission licensing fees;

54 (6) Procurement and development of long-lead
55 components; or

56 (7) Construction activities, including the
57 manufacture, fabrication, quality assurance, placement,
58 erection, installation, modification, inspection, or testing
59 of an eligible nuclear project.

60 6. The director shall:

61 (1) Report any actual or potential conflicts of
62 interest, or the appearance thereof, to the governor's
63 general counsel and the Missouri ethics commission; and

64 (2) Annually submit to the lieutenant governor and the
65 general assembly a report documenting each grant awarded
66 under this section, including metrics indicating the
67 performance of each project for which a grant was awarded,
68 if such information is available at the time of reporting.

69 7. No grant under this section shall exceed one
70 hundred million dollars.

71 8. Grants under this section shall not be used for
72 projects where costs are recovered through rate-based
73 recovery.

74 9. For a project involving the commission of an
75 advanced nuclear reactor, the office shall require that,
76 until the advanced nuclear reactor is commissioned, the net
77 proceeds from the grant recipient's sales of electricity
78 from a natural gas electric generation facility shall be
79 dedicated to funding the pre-commissioning costs of the
80 advanced nuclear reactor portion of such project, including,

81 but not limited to, costs for siting, development,
82 permitting, design, engineering, and construction.

83 10. Information submitted to the office in an
84 application for a grant under this section shall be
85 considered confidential and shall remain confidential and
86 shall not be released by the office to the public or
87 disclosed in response to any request, including a records
88 request under chapter 610.

640.802. There is hereby created in the state treasury
2 the "Missouri advanced nuclear development fund", which
3 shall consist of gifts, grants, tax credits, or donations
4 solicited by the Missouri advanced nuclear energy office,
5 established under section 640.801. The state treasurer
6 shall be custodian of the fund. In accordance with sections
7 30.170 and 30.180, the state treasurer may approve
8 disbursements. The fund shall be a dedicated fund and money
9 in the fund shall be used solely by the office for the
10 purposes of providing grants to eligible nuclear energy
11 projects. Notwithstanding the provisions of section 33.080
12 to the contrary, any moneys remaining in the fund at the end
13 of the biennium shall not revert to the credit of the
14 general revenue fund. The state treasurer shall invest
15 moneys in the fund in the same manner as other funds are
16 invested. Any interest and moneys earned on such
17 investments shall be credited to the fund.

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